

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Johnny Wayne Hayes**

**Docket No. 5:06-CR-305-1F**

**Petition for Action on Supervised Release**

COMES NOW Billy W. Boggs, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Johnny Wayne Hayes, who, upon an earlier plea of guilty to Felon in Possession of Firearm, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on July 3, 2007, to the custody of the Bureau of Prisons for a term of 64 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Johnny Wayne Hayes was released from custody on February 16, 2012, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On July 31, 2000, the defendant pled guilty to Indecent Liberties with a Child (2 counts) in Wake County Superior Court, Raleigh, N.C. The defendant took indecent liberties with a child that was between the age of 2 and 3, for the purpose of arousing and gratifying sexual desire. The probation officer recommends that the defendant receive mental health/ sex offender treatment, evaluation testing, clinical polygraphs, and other assessment instruments as directed by the probation officer. The defendant declined to sign a waiver to allow the modification of the conditions of supervision to allow the following special condition:

1. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer. While under supervision in the Eastern District of North Carolina, the defendant shall further abide by the rules and regulations of the NCE Sex Offender Program.

**PRAYING THAT THE COURT WILL ORDER** a hearing be scheduled to consider whether the conditions of supervised release should be modified.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/Billy W. Boggs, Jr.  
Billy W. Boggs, Jr.  
Senior U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8660  
Executed On: February 28, 2012

**ORDER OF COURT**

Considered and ordered this 28<sup>th</sup> day of February, 2012, the clerk shall schedule a hearing on this matter.

James C. Fox  
James C. Fox  
Senior U.S. District Judge